

Centre for Policy Alternatives v Sri Lanka Army

RTIC Appeal(In-Person)/1131/2019 - *Order under Section 32 (1) of the Right to Information Act, No 12 of 2016 and Record of Proceedings under Rule 28 of the Right to Information Rules of 2017 (Fees and Appeal Procedure)* – heard as part of a formal meeting of the Commission on 02.07.2019

Commission Members: Ms. Kishali- Pinto Jayawardena
Mr. S.G. Punchihewa
Dr. Selvy Thiruchandran

Appellant: Centre for Policy Alternatives
Notice Issued to: Designated Officer, Sri Lanka Army

Appearance:
Appellant: Pasan Jayasinghe IO CPA, Inshira Faliq AAL
PA: Absent

RTI Request filed on	26/06/2018
IO responded on	22/08/2018
First Appeal to DO filed on	24/01/2019
DO responded on	No response
Appeal to RTIC filed on	28/08/2018

Brief Factual Background:

The Appellant by request dated 26/06/2018 had requested the following information;
During 1988, names and ranks of the officer in charge of:

- factory (now the Watawala Plantations owned by the Watawala Plantation Society) in Galle District, and on 11/11/1988 specifically
- the Sinha 6 Regiment stationed at the Army Camp mentioned at Maamadala in Hambantota District.
- the Army camp maintained at the Peacock Hotel in Hambantota District.
- the Army camp maintained at Ranna in Hambantota District.
- the Army camp maintained at Angunakolpalassa in Hambantota District.
- the Army camp maintained at the Akuressa Katanvila Kanishta Sinhala Vidyalaya in Matara District.

The Appellant received the response from the IO on 22/08/2018 (dated as 26/07/2018), which was as follows;

1. You have requested names and information of officers in charge of several Army camps temporarily established in the Southern Province during period of 1988-1989.
2. You are hereby kindly informed that the information requested had been security classified under the military procedure. Therefore, in terms of Sec 5 (1) (a) of the Right to Information Act, the access to the said information is denied due to national security concerns.
3. Moreover, it is very unlikely that the information requested would be available in other records as it is nearly 30 years old and documentation pertaining to same would have been destroyed under the existing law.
4. It is much regretted with our inability to accede to your request as it is not permitted by law.

Dissatisfied with the response the Appellant lodged an appeal with the DO on 28/08/2018. As the DO failed to respond to the Appellant an appeal was preferred to the Commission on 24/01/2019.

Matters Arising During the Hearing:

The PA was absent.

Order:

It is noted that the Designated Officer has failed to respond in terms of Sections 31 (2) and 31 (3) of the Right to Information Act No. 12 of 2016.

Notice reissued for 26.11.2019. The PA is informed of its mandatory duty to appear before the RTI Commission when noticed in terms of the powers conferred on the Commission by Section 15 (a) of the Act.

Next date of Hearing: 26.11.2019

Order is conveyed to both parties in terms of Rule 27 (3) of the Commission's Rules on Fees and Appeal Procedures (Gazette No. 2004/66, 03.02.2017).
